

European Patent Office  
D-80298 München  
Germany

date 12 January 2005

your ref

our ref 42.78522/01

BY FACSIMILE

Dear Sirs

**International Patent Application No. PCT/GB03/05102 in the name of Diagenic AS**

I refer to the Written Opinion which issued on this case dated 12 November 2004, to which a response is due by **12 January 2005**.

It remains the opinion of the Applicant, as has been expressed in previous correspondence, that the claims have not been searched in accordance with the guidelines set down for searching international applications. Only claim 6, in part and claim 37 have been searched. As the substance of the invention as described has not been examined, the patentability issues raised in connection with these claims will be addressed as appropriate during national prosecution.

The applicant wishes to take this opportunity to place an amended set of claims on file. In the amended claim set reference to oligonucleotides as described in the Tables has been deleted and instead reference is specifically made to the SEQ ID Nos. of the sequences disclosed in those tables. Thus in claim 1, instead of referring to oligonucleotides of Table 1, the sequences which are presented in that Table (and for which sequences are provided in the specification as filed), are listed. As mentioned on page 8, lines 26-27 of the specification, preferred sequences are those for which sequences are provided. Table 1 concerns Table 1a and/or Table 1b sequences (and similarly for Tables 2 and 3), see page 6, lines 18-21. Claim 1 thus concerns the preferred embodiment of the sequences of Tables 1a and 1b.

Some minor amendments have also been made to claim 1 to aid its clarity. Reference is made to 10 "different" oligonucleotides, based on the teaching on page 7, lines 23-24 and it has been made clear that each oligonucleotide has been selected from the list which has been provided. Similar amendments have been made in claims 2, 3 and 6. Claims 25, 26 and 27 have been similarly amended such that they no longer refer to Tables. For ease of reference hand-amended pages showing the amendments which have been made are enclosed.

Replacement pages 72-121 are also provided to replace current pages 72-123. The tables on these pages have been amended to include the relevant SEQ ID Nos. for the mentioned clones. Tables 2, 4 and 6 are almost identical to those provided for comparative purposes with my letter of 26 July 2004, but have been rechecked and a few minor transcription errors corrected. The information now provided in these tables is entirely based on the application as filed since the

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sequences mentioned by their internal nomenclature have simply been annotated to recite their SEQ ID Nos. as they appear in the submitted Sequence Listing.

It is submitted that the above described amendments serve to clarify the scope of the claims. Since the subject matter of the claims has not been altered, it will be evident that the claims as originally filed were suitable for searching and examination and that they should have been subject to a full search and examination by the ISR and IPEA, respectively.

Please acknowledge receipt of this letter and its enclosures by returning the EPO Form 1037 enclosed with the confirmation copy of this letter.

Yours faithfully,  
Frank B. Dehn & Co.

Elizabeth Jones

Enc.

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